

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA, )**

**)**

**Plaintiff, )**

**v. )**

**Civil Action No. CV-75-S-666-S**

**)**

**JEFFERSON COUNTY, *et al.*, )**

**)**

**Defendants. )**

**)**

**JOHN W. MARTIN, *et al.*, )**

**)**

**Plaintiffs, )**

**v. )**

**Civil Action No. CV-74-S-17-S**

**)**

**CITY OF BIRMINGHAM, )  
ALABAMA, *et al.*, )**

**)**

**Defendants. )**

**)**

**ENSLEY BRANCH OF THE )  
N.A.A.C.P., *et al.*, )**

**)**

**Plaintiffs )**

**v. )**

**Civil Action No. CV-74-S-12-S**

**)**

**GEORGE SEIBELS, *et al.*, )**

**)**

**Defendants )**

**)**

**MOTION FOR STATUS CONFERENCE**

Defendant Jefferson County respectfully requests that this Court enter an order setting a status conference in this case. As grounds for this request, Jefferson County states as follows:

1. Jefferson County concedes that the Consent Decree at issue in this matter needs to be and will be modified.

2. Because Jefferson County agrees that the Consent Decree will be modified, the only issue in this matter is the scope and terms of the new Consent Decree, *i.e.*, the remedy to be ordered by the Court.

3. The financial status of the County is well-known to all parties and to the Court. Discovery and preparation for a hearing on the issue of whether Jefferson County violated the terms of the Consent Decree will be costly and will consume resources needed for essential County services and functions, including resources that can be used to make changes necessary to ensure that the County complies with the requirements of a modified Consent Decree.

4. As such, the County does not believe that it serves the best interests of the County, the Court or any of the parties in this matter to conduct a hearing that may last as long as two-week regarding whether the County violated the Consent Decree.

5. The County respectfully asks that the Court appoint a mediator or Special Master, to be agreed upon by the parties, to assist the parties in drafting a new Consent Decree to be entered by the Court.

6. Jefferson County recognizes that it previously requested mediation and that the Court determined at that time that mediation would not be productive. Jefferson County respectfully notes to the Court and to the parties that the instant request is fundamentally different from the prior request.

7. Specifically, in this instance, should mediation prove unsuccessful, Jefferson County respectfully suggests to the Court that the hearing scheduled for September 10, 2012, address issues related to the proper remedy and the terms of a modified Consent Decree.

8. Proceedings on the proper modification of the Consent Decree, as opposed to a hearing on whether the County has been in contempt of the Decree, would be significantly streamlined, and could possibly be accomplished primarily through written submissions to the Court by all parties.

9. Jefferson County requests a status conference to discuss the effect of the above information on the upcoming hearing, and how the parties should proceed.

10. Granting the status conference requested will help ensure that this case is handled expeditiously and economically and will benefit all parties and this Court.

WHEREFORE, ABOVE PREMISES CONSIDERED, Jefferson County respectfully requests this Court enter an order setting a status conference in this case.

Respectfully submitted by,

*s/ Edward A. Hosp*

Edward A. "Ted" Hosp

Attorney for Jefferson County, Alabama

OF COUNSEL

**Maynard, Cooper & Gale, P.C.**

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2400 Regions/Harbert Plaza

Birmingham, Alabama 35203-2618

**CERTIFICATE OF SERVICE**

I certify that on this the 16<sup>th</sup> day of April, 2012, I have filed through the Court's CM-ECF system a copy of the foregoing pleading which should send an e-filing notice to the following persons:

Jay D. Adelstein

Dr. John G. Veres, III

Rowan D. Wilson

Margaret Lynaugh

Byron R. Perkins

Michael K.K. Choy

Jonice M. Vanterpool

Leslie A. Coyne

Aaron L. Dettling

Raymond P. Fitzpatrick

Elizabeth B. Shirley

Michael L. Lucas

James E. Murrill, Jr.

Robert R. Riley, Jr.

Keith Jackson

Tammy Woolley

Kallie C. Lunsford

William I. Sauser, Jr.

s/ Edward A. Hosp  
OF COUNSEL